

NOV 07 2005

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**FAX**

Date November 7, 2005

To Office of Petitions

Of U.S. Patent and Trademark Office

Fax (571) 273-8300

From Pavel Pogodin, Reg. No. 48,205

Subject Petition for Revival of an Application for Patent Abandoned  
Unintentionally under 37 C.F.R. § 1.137(b)

Pages 6  
(including cover sheet)

Please call attention to problems with this transmission by return fax or telephone. Thank you.

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In re application of

Docket No: CQ10157

HWANG, et al.

Appl. No.: 10/753,258

Group Art Unit: Unknown

Confirmation No.: 8751

Examiner: Unknown

Filed: January 7, 2004

For: MOTION ACTUATOR

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PAPERS ENTITLED:

1)	Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 C.F.R. § 1.137(b) (in duplicate)	2 pages
2)	Statement Establishing Unintentional Delay to Support Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 C.F.R. § 1.137(b)	3 pages

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Docket No.

CQ10157

First named inventor: Ing-Shouh HWANG

Group Art Unit: Unknown

Application Number: 10/753,258

Examiner: Unknown

Filed: January 7, 2004

Title: MOTION ACTUATOR

Attention: Office of Petitions

**MAIL STOP PETITION**

Commissioner for Patents

P.O. Box 1450, Alexandria, VA 22313-1450

FAX: (703) 872-9306

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

1. Petition fee

☒ Small entity - fee \$750.00 (37 C.F.R. § 1.17(m)). Applicant claims small entity status. See 37 C.F.R. § 1.27.

☐ Other than small entity - fee \$\_\_\_\_\_ (37 C.F.R. § 1.17(m)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of

Response to Notice to File Corrected Application Papers (identify type of reply):

☒ has been filed previously on July 2, 2005.

☐ is enclosed herewith.

B. The issue fee of \$\_\_\_\_\_.

☐ has been paid previously on \_\_\_\_\_.

☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 C.F.R. § 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 C.F.R. § 1.137(b) was unintentional (MPEP § 711.03(c), subsections (III)(C) and (D))].

☒ The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

☒ See Attached Statement.

November 7, 2005

Date

Signature

(650) 625-8100

Telephone

Pavel Pogodin

Typed or printed name

48,205

Reg. No.

11/08/2005 CNGUYEN 00000044 194880 10753258

01 FC 2453 750.00 DA

SUGHRUE MION, PLLC  
MOUNTAIN VIEW OFFICE

23493

CUSTOMER NUMBER

Enclosures: ☒ Fee Payment. Please charge statutory fee of \$750.00 to Deposit Account No. 19-4880. A duplicate sheet of this Petition is attached.

☐ Reply

☐ Terminal Disclaimer

☒ Additional sheets containing statement establishing unintentional delay

☐

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b) is being facsimile transmitted to the U.S. Patent and Trademark Office this 7th day of November, 2005.

Mariann Turn

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**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: CQ10157

Ing-Shouh HWANG, et al.

Appln. No.: 10/753,258

Group Art Unit: Unknown

Confirmation No.: 6751

Examiner: Unknown

Filed: January 7, 2004

For: MOTION ACTUATOR

**STATEMENT ESTABLISHING UNINTENTIONAL DELAY TO SUPPORT  
PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition the Office under 37 U.S.C. 1.137(b) to withdraw the holding of abandonment in the subject application because the delay in filing the required reply from the due date for the required reply until the filing date of this petition under 37 U.S.C. 1.137(b) was unintentional. Specifically, the Notice To File Missing Parts mailed in this case has never been received. After receiving a notice of abandonment on May 17, 2005, on or about July 2, 2005, Applicants filed a submission under Official Gazette Notice 1156 O.G. 53, and, in the alternative, a Petition to Revive based on unavoidable delay under 37 U.S.C. 1.137(a), which was dismissed by the Office on September 15, 2005. After learning of said dismissal, Applicants promptly file the instant petition.

Atty. Docket No. CQ10157  
**PATENT APPLICATION**

**STATEMENT ESTABLISHING UNINTENTIONAL DELAY TO  
SUPPORT PETITION FOR REVIVAL OF AN APPLICATION FOR  
PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)  
U.S. Application No. 10/753,258**

The undersigned, Pavel Pogodin, Registration Number 48,205, Applicant's attorney,  
hereby attests to the following facts to be true:

a. On May 17, 2005, I received Notice of Abandonment Under 37 C.F.R. 1.53(f) or  
(g) for failure to respond to Notice to File Missing Parts mailed on 09/03/2004.

b. I affirm and attest that I have not received the aforementioned Notice to File  
Missing Parts mailed by the patent office and that I have searched ALL my files and have found  
no Notice to File Missing Parts concerning the subject case. I first became aware of the  
aforementioned Notice to File Missing Parts on or about April 15, 2005, when I routinely  
examined records in the PAIR database, after the time for reply thereto has already lapsed.

c. I practice patent law with my partner Joseph Bach, Reg. No. 37,771. Since my  
patent law practice is small, I maintain no docket record for mailings received from the patent  
office. Rather, each mailing is received personally by myself and is placed directly in the file  
and worked upon by either myself or my partner Joseph Bach – we maintain no other staff.  
Accordingly, no copy of a docket record is attached. However, had a mailing indeed been  
delivered in this case, I would have had personal knowledge of it, because I personally collect  
the mail from the mailing address of 617 North Delaware Street, San Mateo, California, 94401.  
My partner Joseph Bach does not collect mail from the indicated address. Therefore, I have  
personal knowledge that no Notice to File Missing Parts for this case has been delivered to me  
by the postal service.

Atty. Docket No. CQ10157  
**PATENT APPLICATION**

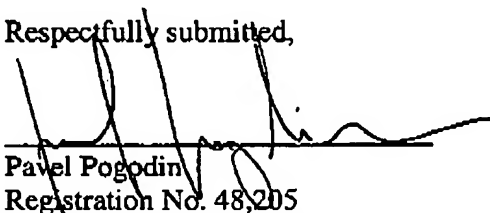
**STATEMENT ESTABLISHING UNINTENTIONAL DELAY TO  
SUPPORT PETITION FOR REVIVAL OF AN APPLICATION FOR  
PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)  
U.S. Application No. 10/753,258**

d. Applicants hereby petition the Office under 37 U.S.C. 1.137(b) to withdraw the holding of abandonment in the subject application because the delay in filing the required reply from the due date for the required reply until the filing date of this petition under 37 U.S.C. 1.137(b) was unintentional.

e. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Pavel Pogodin  
Registration No. 48,205

SUGHRUE MION, PLLC  
Telephone: (650) 625-8100  
Facsimile: (650) 625-8110

MOUNTAIN VIEW OFFICE

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Date: November 7, 2005

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this STATEMENT ESTABLISHING UNINTENTIONAL DELAY TO SUPPORT PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b) is being facsimile transmitted to the U.S. Patent and Trademark Office this 7th day of November, 2005.

  
Mariann Tam